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CrI.O.P.No.12288 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.07.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.12288 of 2025

Deborah Eliah

... Petitioner/Accused

Vs

The Assistant Commissioner of Customs,
Prosecution Unit (AIR),
New Customs House, Meenambakkam,
Chennai – 600 027.

... Respondent

Prayer: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner/A4 on bail pending trial in C.C.No.301 of 2021 in O.S.No.63/2021-INT-AIR and O.S.No.365/2021-AIU on the file of learned II Additional Special Court for Exclusive Trial of NDPS Act at Chennai.

For petitioner : Mr.D.P.Vishal

For Respondent : Mr.R.Vinothraja
Government Advocate (CrI. Side)



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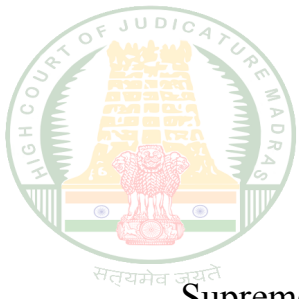
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ORDER

The petitioner, who was facing trial in C.C.No.301 of 2021 on the file of the II Additional Special Court for Exclusive Trial of Cases under NDPS Act at Chennai for the offences punishable under Sections 8(c) r/w 21(c), 23(c), 28 and 29 of the NDPS Act, 1985, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 7.830 kgs. of Heroin. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner has been arrested in the above case on 07.05.2021 and he is in prison for more than 4 years and two months. Before the Lower Court, the trial is not progressing. The petitioner is not at fault, the respondent not taking any earnest steps to conclude the trial. In a similar situation, this Court in CrI.O.P.No.8102 of 2025, following the various judgments of Hon'ble



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Supreme Court and considering the period of incarceration, had granted bail to the co-accused. The petitioner is also on the same footing and hence, prayed for bail.

4.The learned Government Advocate filed his counter opposing the petitioner's contention. The petitioner arrived India under a medical Visa informing that he intent to take treatment at Apollo Hospital at Bangalore. The petitioner reached Chennai International Airport on 07.05.2025 by Qatar Airways from Dhoha. The petitioner's luggage was checked, from which, a white colour coarse powder substance totally weighing 7.830 kgs. of Heroine, which is a commercial quantity, was seized. After following the procedure the search was conducted, thereafter investigation completed, complaint filed before the trial Court and the same was taken on file in C.C.No.301 of 2021. It was the petitioner, who had not initially engaged any Advocate and the case could not progress. In the meanwhile, there was also no Presiding Officer.



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These are all led to the delay and it was not due to the respondent. Now investigation commenced, PW1 examined on 15.11.2024, chief examination continued on 17.12.2024 and PW1 cross examined on 24.06.2025 and Exs.P1 to P12 and M.O.1 to M.O.6 marked. On the same day, formal questions only asked by the defence counsel and thereafter it has been adjourned to 07.07.2025 for continuation of cross examination. There are only 5 witnesses, in any event, all 5 witnesses could not be examined on that day and rest of the witnesses would be examined in a short period and the trial would be completed within a short period. Further the petitioner is a foreign national. The case referred by the petitioner would not be applicable to the facts of the above case. Hence, strongly opposed for granting bail to the petitioner.

5.Considering the submissions made and on perusal of the material it is seen that now trial has commenced, PW1 chief examination completed, his cross examination to be continued on 07.07.2025. There are only 5 witnesses in this case. The respondent had undertaken to produce the



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witnesses and complete the trial without further delay. In view of the above,
this Court is not inclined to entertain this petition and the same is dismissed.

6.The trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order. This six months period is only an outer limit.

03.07.2025

rsi

To:

1. The Assistant Commissioner of Customs,
Prosecution Unit (AIR),
New Customs House, Meenambakkam,
Chennai – 600 027.

2.The II Additional Special Court for
Exclusive Trial of Cases under NDPS Act,
Chennai.

3.The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

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